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ipa.mail@hp.com
laura.m.clark@hp.com



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/765,595
Filing Date: January 26, 2004
Appellant(s): KETTLE, WIATT

Steven L. Nichols
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 4/5/2011 appealing from the Office action mailed on 1/13/2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1-31.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 2002/0047918 to Sullivan.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-12, 14-19, 21-27, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (2002/0047918).

Regarding claim 1, Sullivan discloses an identifying step (604) for identifying a region of an image to be displayed on a display, which meets the ascertaining step as claimed, a decoding step for decoding the identified region which inherently includes a buffer or memory for storing the decoded region (606), and a display step (608). The identified region by the identifying step has an aspect ratio equivalent to that of the

display device (note paragraph 0035). The inherently included buffer or memory stores the video data in the identified region only while other regions are deleted (note paragraphs 0040 and 0051).

Regarding claim 2, Sullivan discloses an inherently included parsing step for separate region identifiers from the video content (note paragraph 0046).

Regarding claims 3 and 4, the region identifiers are embedded in the video data such as the MPEG video data mentioned in paragraph 0004.

Regarding claim 6, note paragraph 0043, right column, lines 1-5.

Regarding claim 7, note paragraph 0038.

Regarding claim 8, the inherently included buffer stores each row of the active region.

Regarding claims 9-12, 14-19, 21-27, and 29-31, in addition of above, Sullivan further shows a step of adding (506, 512), and a step of transmitting (514).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 13, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (2002/0047918).

Regarding claims 5, 13, 20, and 28, Sullivan discloses that an active region can be identified by using two opposite corner coordinates (0043) but fails to mention that the second corner can be calculated based on the first corner coordinate. The examiner takes Official Notice that using mathematical formulas to find both the width and height of the image based on the aspect ratio are well known in the art. How the coordinate of the second corner is found is purely a matter of mathematical manipulation. Thus, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to use the well known coordinate calculation method to find the coordinate of the second corner. It is considered a matter of design choice. That is the coordinate of the second corner could be derived either by a mathematical calculation or manually picked by a user.

(10) Response to Argument

In considering appellant's arguments (pages 12, 13, 19, 21) that Sullivan fails to teach or suggest, the step or means for *"ascertaining at least one marker* defining a region of the frame...displaying on the display device, the region of the frame defined by the at least one marker"*...*Sullivan is silent regarding ascertaining a marker within the video content...rather than utilizing a marker defining a region of a frame of a video feed, the system of Sullivan teaches the opposite when it teaches that *a user selects* a particular display region based on user preferences and that the "identified display region is defined by data included in or transmitted with the video content and *may change locations from one frame to the next* (e.g., as a character moves)"...it is clear

that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference, the examiner disagrees.

In paragraph 0043, Sullivan states how the display regions are defined at the transmitting end: The location of each display region can be defined by using four parameters: 1) the offset from the top of the image rectangle to the top of the display region, 2) the offset from the left side of the image rectangle to the left side of the display region, 3) the offset from the right side of the image rectangle to the right side of the display region, and 4) the offset from the bottom of the image rectangle to the bottom of the display region. **Alternatively, two parameters could identify the four comers of the display region (e.g., the (x,y) location of the upper left corner of the display region and the (x,y) location of the lower right corner of the display region. These numbers may be integer numbers based on the row and column (i.e., line) address of a digital sample, or could have greater precision, such as [fraction (1/16)]th pixel accuracy.**

This statement, especially the last two sentences, basically indicates that a region is being defined by at two parameters, such as two (x,y) coordinates. The regions are defined at the transmitting end by using input devices such as a computer keyboard, a mouse, a game pad, joystick, etc., as mentioned in paragraph 0063. Since the (x,y) coordinates defines or marks a desired display region, it can be interpreted as a marker, or however one wants to name it. Thus, the (x,y) coordinates in Sullivan clearly meets the ascertaining step or means for ascertaining at least one marker defining a region of a frame as claimed.

In considering appellant's arguments (pages 13, 16, 18, 20, 22) that Sullivan fails to teach or suggest...*the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device...*Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) presents a different portion of the original video image on the video display with dimensions that *do not match the horizontal resolution to vertical resolution ratio* of the video display, the examiner disagrees.

In paragraph 0041, Sullivan states how the original video image with 16:9 aspect ratio is defined into different aspect ratios: FIG. 4 represents a particular example in which an original video image with a 16:9 aspect ratio has four different display regions for a video display having a 4:3 aspect ratio. However, a particular original video image may include any number of display regions for any number of different video display types (such as 4:3 aspect ratio, 2.3:1 aspect ratio, high resolution 16:9 aspect ratio, and low resolution 16:9 aspect ratio). For example, the 4:3 aspect ratio display type may have four different display regions and the high resolution 16:9 aspect ratio display type may have only two display regions.

In this paragraph, Sullivan basically states the horizontal to vertical ratio of a defined video image region matches the horizontal to vertical ratio of a display device or devices. The term "horizontal to vertical ratio" is also known as "aspect ratio". Thus, the claimed limitation is clearly met by Sullivan.

Regarding appellant's arguments (pages 15 17, 23) that Sullivan fails to teach or suggest "parsing the at least one marker from the video feed... and displaying, on the

display device, the region of the frame *defined by the at least one marker*... Sullivan simply teaches that a user can select a particular predefined display region for viewing, and is silent regarding parsing video content for a marker...*Sullivan teaches away from parsing* a video feed marker...no marker is required to be parsed within the *predefined, user-selectable* display regions of Sullivan, the examiner disagrees.

In paragraph 0030, Sullivan states that the location of each display region may be defined by indicating particular points within the image that define the four corners of each display region, for example by specifying the location of the top left corner and the bottom right corner of the display region...This location data (as well as an identifier associated with each display region) may be encoded within the video signal or may be transmitted along with the video signal.

In paragraph 0032, Sullivan states how the display region locator and active region locator are obtained at the decoder end: Receiver 320 receives an encoded video signal and communicates the received signal to a video decoder 322. Alternatively, receiver 320 may be a device (such as a DVD player) capable of reading stored encoded video content (e.g., stored on a DVD). Video decoder 322 includes a display region locator 324 and an active region locator 326. Display region locator 324 identifies one or more display regions encoded in the video signal (or transmitted along with the video signal). Active region locator 326 identifies an active region encoded in the video signal. Video decoder 322 also includes a video decoding engine 328 which decodes the encoded video signal, including the various display regions associated with the video signal. After decoding the video signal, video decoder 322 communicates the

decoded video content to a video display 330 which renders the image defined by the decoded video content. Video decoder 322 may be a separate device or may be incorporated into another device, such as a television or a DVD player.

Above two paragraphs in Sullivan basically indicates that the display region information and the active region information are transmitted along with the video data, and identified and separated from the video packet by the display region locator 324 and active region locator 326, respectively. In other words, the aforementioned region define parameters, the (x,y) coordinates, are located by the display region locator 324 or the active region locator 326. The locators are essentially data parsers because they parse location data from a video data stream. Thus, they clearly meet the parsing step as claimed.

In view of foregoing arguments, it is clear that Sullivan meets all the claimed limitations. As a result, the office rejection should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/M. Lee/

Primary Examiner, Art Unit 2422

Conferees:

/BRIAN YENKE/

Primary Examiner, Art Unit 2422

/Brian T Pendleton/

Supervisory Patent Examiner, Art Unit 2425